

**REMARKS:**

Consideration of the application is respectfully requested. Amendments have been made pursuant to 37 CFR 1.121. No new matter has been entered.

**STATUS OF THE CLAIMS**

Claims 21-36 are pending.

Claims 1-13 and 15-20 were rejected.

Claim 14 was withdrawn.

Claims 1-20 have been cancelled without prejudice and disclaimer.

Claims 21-36 have been added.

**DRAWINGS**

In paragraph 1 of the Office Action, the Examiner objected to the drawings because the blocks were not functionally labeled. In response, the drawings have been amended and are attached herewith. A brief description of the corrections is set forth below:

In FIG. 1A, the reference numerals S1, S2 and S3 have been added to the existing circles. Support for the reference numerals can be found on page 10, lines 24-38 and page 5 of the specification, as originally filed.

In FIG. 3, functional labels have been added to the blocks. Support for the labels is found on page 12, lines 20-38 of the specification, as originally filed.

In view of the foregoing amendments and remarks, the objection to the drawings should be withdrawn.

**SPECIFICATION**

The specification has been amended with section headings set forth in paragraph 2 of the Office Action.

**CLAIMS****I. Claim Rejection 35 USC 101**

In paragraph 4 of the Office Action, the Examiner rejected Claims 1-13 and 15-20 under 35 USC 101 “because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process.” In response, Claims 1-13 and 15-20 have been cancelled, and new Claims 21-36 added that recite positive steps in active tense. In view of the foregoing amendments and remarks, the rejection under 35 USC 101 should be withdrawn.

**II. Claim Rejection – 35 USC 112**

In paragraph 5 of the Office Action, the examiner rejected Claims 7, 19 and 20 under 35 USC 112, second paragraph. In response, Claims 7, 19 and 20 have been cancelled. In view of the forgoing remarks and amendments, the rejection under 35 USC 112, second paragraph should be withdrawn.

**III. Claim Rejection – 35 USC 102****Rejection under 35 USC 102(b) as being anticipated by  
Keenan (US Pat. No. 5,317,403)**

In paragraphs 3 and 4 of the Office Action, the Examiner rejected Claims 1-6, 8, 9, 12, 13, 19 and 20 under 35 USC 102(b) as being anticipated by Keenan (US Pat. No.

5,317,403). In response, the Applicant has amended the claims to better clarify the invention.

### **Applicant's Invention**

Applicant's invention allows a user or manufacturer to set a predetermined time interval in which to establish the "channel of interest" in memory. While viewing a program on a received channel, when the reception duration exceeds the established predetermined time interval, the channel is stored as the "channel of interest." Hence, after switching between program channels, upon activation of a dedicated command, the system will automatically switch (change over) to the channel of interest.

### **Keenan**

Contrary to Applicant's invention, Keenan is directed to a system that manually store up to ten favorite channels using an "extended keypress." The predetermined time interval of Keenan is compared to the time in which the "keypress" is held-down. Thus, the predetermined time interval of Keenan is **not** related to a "*reception duration of a currently received channel*," as now claimed.

In view of the foregoing remarks, the amended Claims 21 and 29 are allowable over Keenan and the corresponding rejection under 35 USC 102(b) should be withdrawn. Since Claims 22-28 and 30-36 depend from independent Claims 21 and 29, respectively, then for the same reasons set forth above with regard to Claims 21 and 29, these dependent claims are also allowable over Keenan and the corresponding rejection under 35 USC 102(b) should be withdrawn.

Applicant observes that the Examiner rejected Claims 15 and 16 under 103(a) over Keenan; Claim 17 under 103(a) over Keenan and Rzeszewski; and Claim 18 under

103(a) over Keenan and Yee et al. However, neither Keenan, Rzeszewski, Yee et al., or any combination thereof, teach the method claimed in the subject application.

**Rejection under 35 USC 102(b) as being anticipated by  
Jang (Pat. DE 44 17 634 A1)**

In paragraph 10 of the Office Action, the Examiner rejected Claims 1, 9-11 and 20 under 35 USC 102(b) as being anticipated by Jang (Pat. DE 44 17 634 A1). In response, the Applicant has amended the claims to better clarify the invention.

**Jang**

Jang teaches that for a predetermined time an "observation period" for all channels tuned to in such predetermined time are subsequently sorted in increasing order or decreasing order and stored in sequence. However, unlike the present invention, the predetermined time of Jang is not used compared to the "reception duration" of any one single channel.

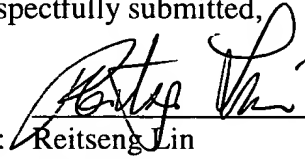
In view of the foregoing remarks, the amended Claims 21 and 29 are allowable over Jang and the corresponding rejection under 35 USC 102(b) should be withdrawn. Since Claims 22-28 and 30-36 depend from independent Claims 21 and 29, respectively, then for the same reasons set forth above with regard to Claims 21 and 29, these dependent claims are also allowable over Jang and the corresponding rejection under 35 USC 102(b) should be withdrawn.

**CONCLUSION**

In view of the foregoing remarks and amendments, the Applicant believes that they have overcome all of the examiner's basis for rejection, and that this application

therefore stands in condition for allowance. However, if the Examiner is of the opinion that such action cannot be taken, the Applicant requests that he contact their undersigned attorney in order to resolve any outstanding issues without the necessity of issuing another Office Action.

Respectfully submitted,



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**CERTIFICATE OF MAILING**

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to [Mail Stop Non-Fee Amendment], Commissioner for Patents, Alexandria, Virginia 22313-1450 on:

9-10-03  
Date

Karen Schlauch  
Karen Schlauch

Fig. 1a

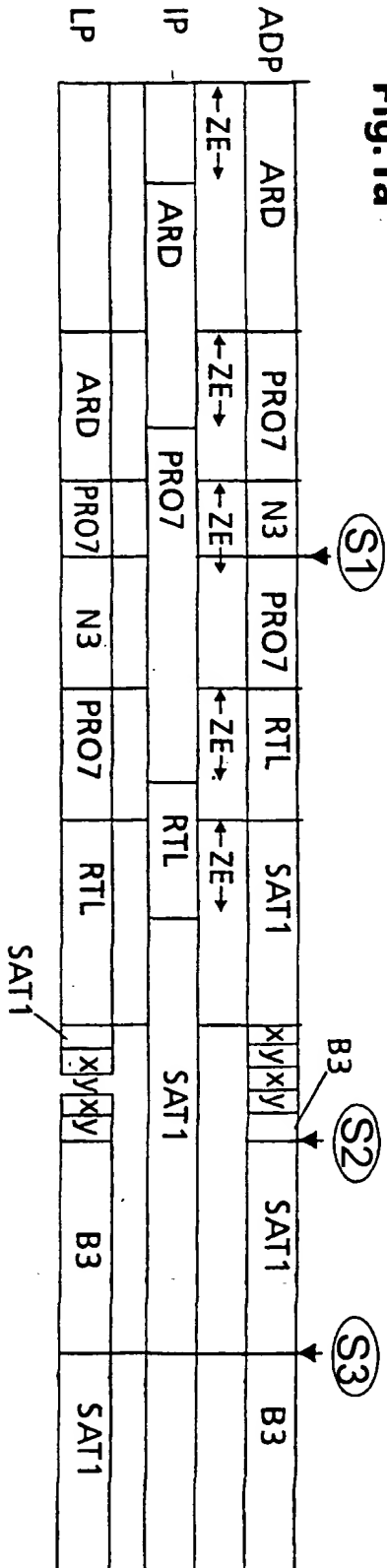
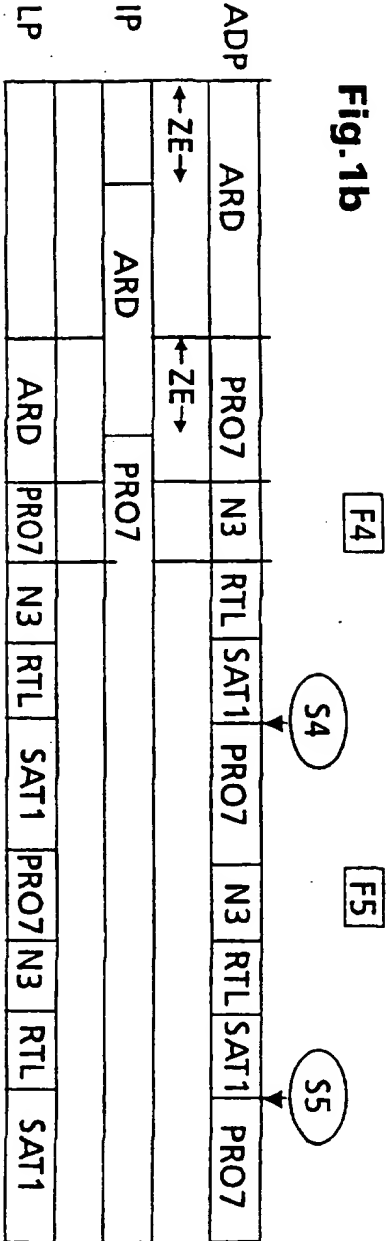


Fig. 1b



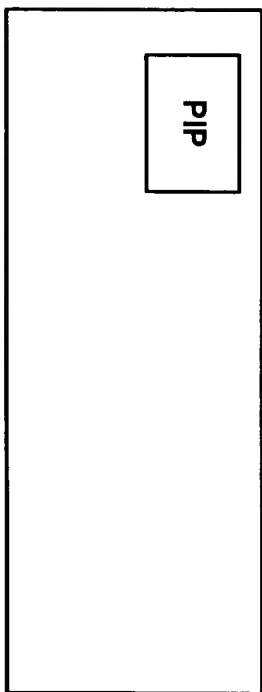


FIG. 2A

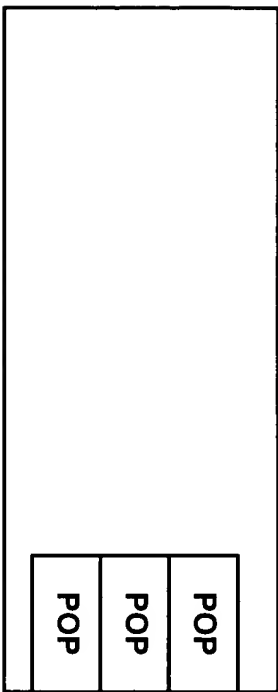


FIG. 2B

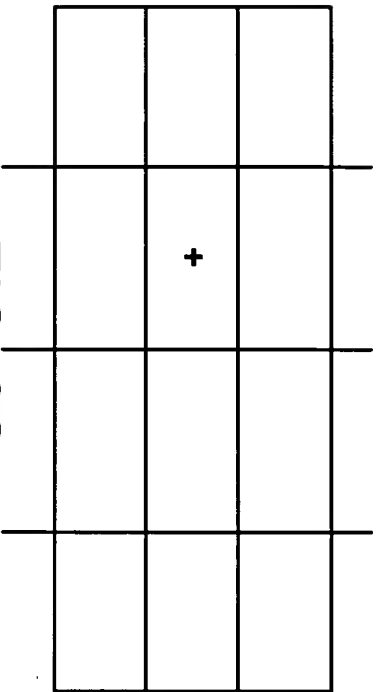


FIG. 2C

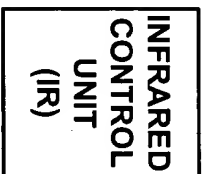
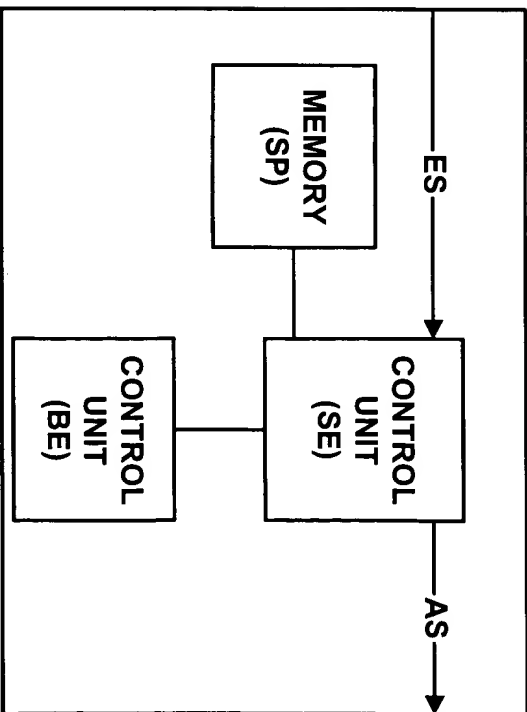


FIG. 3